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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,511	11/27/2001	Kazumasa Kokura	Q67454	8138

7590 12/24/2003

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER
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LOUIS JACQUES, JACQUES H

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicant(s)

09/993,511

Applicant(s)

KOKURA, KAZUMASA

Examiner

Jacques H Louis-Jacques

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 5-11 and 15-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirooka et al [5,325,935].

Hirooka et al 1 discloses that the reach forklift comprises a body (figure 1) a wheel disposed to the body (figure 1, 11) a cargo carrier table attached to the front end of the body (figure 1, item 4) and a mode switch section for switching between a normal of operation and a turning mode (column 7; figure 12, item 400). According to Hirooka et al, the reach forklift (the body) is able to turn about the vicinity of the straddle arms. In addition, Hirooka et al discloses the vehicle (body) can be turned about either the left or right as the center of turn. According further to Hirooka et al, there is provided mode select switch through which an operator can arbitrarily select one of plural travel modes. That is, Hirooka et al discloses that the cargo carrier table is provided left and right at the front of the body; and the body is adapted to be turned about a distal end of either of the left and right cargo carrier tables as the center of turn, or the body is adapted to be turned about as the center of turn substantially a central portion of a line connecting distal ends of the cargo carrier tables with each other, or the body is adapted to be turned about as

the center of turn a position a predetermined distance frontward from the distal end of each of the cargo carrier tables. See columns 6, 10, 11 and 13.

***Allowable Subject Matter***

3. Claims 5-11 and 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claim 18 is allowed over the prior art of record.

The prior art fails to teach the selection of a desired center of turn from a plurality of centers of turn.

The prior art fails to teach that the cargo carrier table is provided in such a manner as to freely extend in longitudinal directions of the body, wherein the cargo handling vehicle comprises a position detecting section for detecting a position to which the cargo carrier table is moved relative to the body; and a center-of-turn position calculating section for calculating a center-of-turn position of for the body based on the position of the cargo carrier table detected by the position detecting section. The prior art also fails to teach that the mode of the cargo handling vehicle is switched over from the turning mode to the normal running mode when the turn of the body is completed and the body is prohibited from running until the wheel is restored to a condition in which the body is allowed to move straight.

The prior art does not teach that the distal end of the left cargo carrier table is set as a center of turn when the steering wheel is turned counterclockwise in the turning

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mode; and the distal end of the right cargo carrier table is set as a center of turn when the steering wheel is turned clockwise.

***Response to Arguments***

5. The amendments to the specification and the proposed drawing correction have been entered and considered by the examiner.

In the paragraph bridging pages 4 and 5 of the response, Applicant commented in the rejection applied against the claims in the previous office action. Applicant is correct that the rejection in paragraph of the previous office action should have a 102 rejection, not a 103 rejection.

In light of this error in the previous office and in order to provide Applicant a proper office action, the rejection has been rewritten. However, to be fair to the Applicant, this office action is made non-final.

On page 5 of the response, Applicant argued that “there is no indication of operator choice in selecting the turning center” and that “935 does not disclose a normal running”.

First, it is noted that independent claims 1 and 12 do not recite an operator choice in selecting the turning center. Such limitation is recited in dependent claim 5, which has been objected to. Claim 18 is the only independent claim that recites “a center-of-turn selecting section for selecting a desired center of turn out of a plurality of centers of turn in the turning mode”.

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Starting in column 9, Hirooka et al discloses a plurality of travel modes (md1, md2, md3, md4 and md5), wherein there is provide a switch 215 for selecting one of the plurality of travel modes. For example, in travel mode md1, the forklift can make extremely small turns. See also column 10. For a description of the other travel modes, see columns 13, 14, 16, and 20, respectively. According to Hirooka et al, the wheel is set at a predetermined angle based on the operation of the steering wheel so that the body turns about the center of turn (columns 10-12).

### *Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H Louis-Jacques whose telephone number is 703-305-9757. The examiner can normally be reached on M-Th 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1111.

Jacques H Louis-Jacques  
Primary Examiner  
Art Unit 3661

/jlj  
December 22, 2003

*Jacques H. Louis-Jacques*  
JACQUES H. LOUIS-JACQUES  
PRIMARY EXAMINER